

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06CV206-03-MU

MALCOLM Y. AZARIAH, )  
                          )  
Plaintiff,             )  
                          )  
v.                     )  
                          )  
CHARLES McCURRY, et al., )  
                          )  
Defendants.            )  
                          )

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**O R D E R**

**THIS MATTER** is before this Court upon “Defendant Robert J. Uhren, M.D.’S Motion to Dismiss” (Document No.28.) It appears that the Defendant Uhren may be entitled to have his Motion granted .

**PETITIONER AZARIAH READ THIS:**

You now have the opportunity to reply to Defendant Uhren’s Motion. You may not allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original Complaint and/or those set forth in the Defendant Uhren’s Motion.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the Defendant Uhren’s Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Plaintiff has twenty (20) days from the filing of this Order in which to provide a response to Defendant Uhren’s Motion to

Dismiss.

**SO ORDERED.**

Signed: February 27, 2007



Graham C. Mullen  
United States District Judge

